

RMV photograph of Rogelio GARCIA with an address of 63 Durso Avenue, Malden, MA; **2)** on one occasion, agents observed the *same* individual depicted in the RMV photograph of Rogelio GARCIA coming and going from 63 Durso Avenue, Malden, MA; **3)** During this investigation, Rogelio GARCIA utilized cellular phone number target telephone # 13 (617 953-5991). Target telephone # 13 was subscribed to Stephanie M. Barboza, 63 Durso Avenue, Malden, MA, the same address at which GARCIA resides and has been seen at by agents; **4)** GARCIA was intercepted on November 17, 2003 over target telephone # 13 (617 953-5991) speaking with a female at 617 331-3992, a cellular telephone subscribed to Stephanie Barbosa, 63 Durso Avenue, Malden, MA; **5)** recently, intercepts over target telephone # 15 (ROSALES' facility) have involved calls between ROSALES and GARCIA from 781 322-2102, the land line at 63 Durso Street, subscribed to Gladis Barbosa, 63 Durso Street, Malden, MA; **6)** GARCIA was intercepted on November 17, 2003 over target telephone # 13 calling Creative Building Maintenance about securing employment. During the conversation, GARCIA identified himself to the operator as "Rogelio GARCIA"; **and 6)** on numerous occasions, agents observed GARCIA operating a red Mercury Mountaineer (MA Reg. CI 344W) in and around the Lynn, MA area; this vehicle is/was registered to Rogelio GARCIA, 63

Durso Avenue, Malden, MA.<sup>15</sup>

**11) Javier Angel Romero, a/k/a Ramon ACOSTA**

16. Agents believe that Javier Angel Romero, a/k/a Ramon ACOSTA is an Hispanic male either referred to or addressed by others as "Ramon" during the authorized Title III intercepts over cellular telephones utilized by ROSALES (target telephone # 6 and target telephone # 15) between August 1, 2003 and February 26, 2004, for the following reasons: **1)** Javier Angel Romero, a/k/a Ramon ACOSTA was intercepted in the course of several conversations with ROSALES over target telephone # 6 between 10:00 a.m. and 12:00 noon on September 20, 2003. ACOSTA told ROSALES that he had something for him and would meet ROSALES at 115 Alley Street in Lynn, MA. Around 12:00 noon, agents observed ROSALES arrive at 115 Alley Street, Lynn, MA and park his grey mercury Sable (MA Reg. US 8280) in front. Minutes later, an

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<sup>15</sup> On September 19, 2003, at 8:30 a.m., GARCIA's red Mercury Mountaineer SUV (MA Reg. CI 344W) was stopped for speeding by North Carolina State Police traveling southbound on I-95 near Fayetteville, NC. The driver of the vehicle was identified by the trooper as "Gilberto Zayas." Based upon the Trooper's suspicions (unrelated to this Title III investigation), the car was brought to a nearby state police station and examined. A large, hidden hydraulic-operated compartment (or illegal "hide") was discovered behind the rear seat of the vehicle. After further examination, investigators discovered that the hide could be opened and closed using certain knobs on the dashboard. Although no drugs or drug proceeds were discovered inside the "hide," the vehicle was seized and its forfeiture by North Carolina authorities has commenced. The driver, Gilbert Zayas was not arrested.

Hispanic male (believed to be ACOSTA) arrived at the same address operating a blue Plymouth Voyager van (MA Reg. 1124YV). ROSALES and the Hispanic male exited their vehicles and entered 115 Alley Street together. Surveillance agents present identified the Hispanic male with ROSALES as Javier Angel Romero, a/k/a Ramon ACOSTA having recognized him from a Lynn Police booking photograph of Ramon ACOSTA taken in connection with ACOSTA's arrest on May 6, 2002 in Lynn, MA for forgery; **2)** The blue Plymouth van (MA Reg. 1124YV) agents observed ACOSTA exiting on September 20, 2003 was registered to Ramon ACOSTA, 4 Sheridan street, Apt. #2, Lynn MA; **and 3)** the home address that ACOSTA gave the Lynn Police at his booking and following his arrest on May 6, 2002 was 4 Sheridan Street, Lynn, MA.

**12) Cristian GERMOSEN, a/k/a Christian**

17. Agents believe that Christian GERMOSEN, a.k.a "Christian" is the Hispanic male who was referred to addressed by MADERA, ROSALES, and others as "Christian" during the authorized Title III intercepts over cellular telephones utilized by ROSALES (target telephone # 2 and target telephone # 6) and MADERA (target telephone # 11) between August 1, 2003 and February 26 , 2004, for the following reasons: **1)** during this investigation, I obtained a MA RMV photograph of Christian GERMOSEN with an address of 11 Ingalls Street, Lynn, MA; **2)** During Title III intercepts on October 7, 2003, ROSALES told GERMOSEN to come to

ROSALES' house at 46 Wyman Street, Lynn, MA to collect a half kilogram of cocaine for MADERA. Prior to this call, MADERA told ROSALES that he would send "Christian" to see ROSALES shortly. Surveillance agents positioned at 46 Wyman Street 15 minutes after these intercepted calls observed an Hispanic male wearing a white baseball cap driving a black Expedition SUV (MA Reg. CI 9820) arrive at 46 Wyman Street, enter the building, and, later, exit the building carrying a medium size package. Agents confirmed that the Hispanic male driving the black Expedition SUV was Christian GERMOSEN based on a prior examination of Christian GERMOSEN's MA Driver's Licence photograph; **and 3)** Christian GERMOSEN is related to MADERA, a/k/a Manuel GERMOSEN -- either brother or cousin.

**13) Juan MARTINEZ, a/k/a Marcelino Cuevas, a/k/a "CHON"**

18. Agents believe that Juan MARTINEZ, a/k/a Marcelino Cuevas, a/k/a CHON is the Hispanic male who has been referred to or addressed by MARTINEZ, ROSALES and others as "CHON" during the authorized Title III intercepts over cellular telephones utilized by ROSALES (target telephone # 2 and target telephone # 6) and MADERA (target telephone # 11) between August 1, 2003 and February 26 , 2004, for the following reasons: **1)** During the Title III intercept, Juan MARTINEZ, a/k/a Marcelino Cuevas, a/k/a "CHON" was intercepted multiple times over different target telephones speaking from 978 836-8565 (a number without any

subscriber information); **2)** On October 7, 2003, agents observed an Hispanic individual agents believed to be Juan MARTINEZ, a/k/a Marcelino Cuevas, a/k/a "CHON" operating a black Mercedes sedan (MA Reg. 991B) along Commercial Street in Lynn, MA. This individual was immediately stopped by Lynn Police Officer McHale and asked to identify himself. This individual furnished the officer a MA Driver's License for "Marcelino Cuevas," 3 Fosdick Terrace, Apt. 202, Lynn, MA but depicting this individual's likeness; **3)** an Incident System check performed by Lynn Police of prior incidents at 3 Fosdick Terrace, Apt. 202 confirmed the following: **(a)** 9/19/02 incident involving "Juan MARTINEZ" (DOB 5/21/68) and juvenile Rosaslea MARTINEZ; **(b)** 4/21/03 domestic altercation involving Juan MARTINEZ and Maria LIZARDI (DOB 5/7/72) and Juan MARTINEZ' arrest on assault and battery charges.<sup>16</sup> Officer McHale examined the booking photograph of Juan MARTINEZ arising out of 4/21/03 arrest at 3 Fosdick Street and confirmed that Marcelino Cuevas, the man that he stopped on October 7, 2003, and Juan MARTINEZ were the same person; **4)** On October 7, 2003, shortly after the Lynn Police stop by Officer McHale, Juan MARTINEZ, a/k/a Marcelino Cuevas, a/k/a "CHON" was observed again by agents in the black Mercedes and parked in

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<sup>16</sup> The Bureau of Probation report for Juan Martinez (DOB 5/21/68) reflects an April 21, 2003 charge in the Lynn District Court for Assault and Battery, Breaking and Entering with Intent to Commit a Felony. The matter remains indisposed.

front of Bob's Carburetor in Salem, MA. As Cuevas/MARTINEZ exited the vehicle, agents dialed 978 836-8565 -- the same cellular telephone number over which monitors had previously intercepted "CHON" speaking with MARTINEZ and ROSALES. After the call was placed, agents observed Juan MARTINEZ, a/k/a Marcelino Cuevas, a/k/a CHON bring his telephone to his ear and then speak briefly into the telephone. At the same time, agents who had placed this call overheard Juan Martinez, a/k/a Marcelino Cuevas, a/k/a "CHON" say "hello... hello" several times. Hearing no response, CHON ended the call. At the same moment, agents observed CHON remove the telephone from his ear, stared briefly at his telephone, and then walk away from the Mercedes toward Bob's Carburetor; **5)** MARTINEZ, MADERA and SACAIDA have been intercepted over target telephones multiple times talking about "CHON"; on September 25, 2003, for example, ROSALES was intercepted asking MADERA for "Juan's...CHON's" telephone number. At the time, CHON was with MADERA, so MADERA handed the telephone to CHON who then spoke with ROSALES. Based upon these intercepts and the common last name (MARTINEZ), I believe CHON is a relative of both Valentin MARTINEZ (cousin) and SACAIDA/Andres MARTINEZ (son); **and 6)** as recently as February 8, 2004, CHON was intercepted talking with MADERA (over target telephone # 11) from 781 598-2290; the land line telephone subscribed to Juan

Rodriguez, 80 Sagamore Street, Apt. #204, Lynn, MA.<sup>17</sup>

**14) Gerardo Vasseur ORTIZ, a/k/a Scarface**

19. Agents believe that Gerardo Vasseur ORTIZ is the Hispanic male who has been referred to or addressed by MARTINEZ as "Scarface" during authorized Title III intercepts over cellular telephones utilized by ROSALES (target telephone # 2 and target telephone # 6) and MARTINEZ (target telephone # 9) between August 1, 2003 and February 26 , 2004, for the following reasons:

**1)** Gerardo Vasseur ORTIZ, a/k/a Scarface, contacted ROSALES and MARTINEZ from telephone numbers 781 244-4117, 781 913-2656, and 781 913 3671, all pre-paid facilities without subscriber information; **2)** a MA RMV photograph of ORTIZ reflects a scar on ORTIZ' face from the corner of his mouth and up along his cheek; **3)** ORTIZ was initially identified by agents following intercepts between MARTINEZ and ORTIZ the morning and early afternoon of September 20, 2003. MARTINEZ told ORTIZ to stop by "the cars" (Bob's Carburetor/Bob's Auto Sales) and pay "his "brother" (ROSALES) money owed from drugs MARTINEZ had previously sold him. A short time later, surveillance at Bob's Carburator, 62 Jefferson Avenue, Salem, MA, observed a Hispanic male arrive

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<sup>17</sup> On February 7, 2004, MADERA was intercepted over target telephone # 16 (his Nextel facility) speaking with "Vicki," ROSALES spouse, and asking her if she knew "CHON'S" home number. Vicki replied that CHON ought to be "home" and recited his telephone, 598-2290; a number subscribed to Marcelino Cuevas, 80 Sagamore Street, Apt. #204, Lynn, MA.

driving a green Chevrolet sedan (MA Reg. 3061RH), exit the vehicle and enter Bob's Carburetor/Bob's Auto Sales.<sup>18</sup> Several minutes later, the same Hispanic male re-entered the green Chevrolet, backed out of the lot, and drove off. Trooper James Bruce of the MA State Police recognized the Hispanic male as ORTIZ based on his review of ORTIZ' MA Driver's License photograph; 4) On October 15, 2003, multiple intercepts between ORTIZ (781 913-2656) and ROSALES (target telephone # 6) discussed arrangements for both men to meet at Kelly's Roast Beef on Route 1 in Saugus, MA at 12:20 p.m. to conclude a drug deal. Subsequent intercepts between ROSALES and ORTIZ confirmed that ROSALES had arrived first at Kelly's driving his grey Mercury Sable station wagon (MA Reg. US 8280); then ORTIZ arrived a short time later driving a green Chevrolet Lumina (MA Reg. 3061RH; Gerard Vasseur-ORTIZ, 583 Summer Street, Lynn, MA) - a vehicle with which ROSALES, evidently, was familiar, and which ORTIZ was seen driving on September 20, 2003. Within moments of their joint arrival at Kelly's and both ORTIZ and ROSALES were intercepted saying that there were several suspicious vehicles following them that contained police. As a result, ROSALES and ORTIZ directed the other to leave Kelly's parking lot. Agents were able to confirm ROSALES' grey Mercury Sable and the green

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<sup>18</sup> The green Chevrolet sedan (MA Reg. 3061RH) was registered to Gerard Vasseur-ORTIZ, 583 Summer Street, Lynn, MA,



Chevrolet Lumina (MA Reg. 3061RH) inside the Kelly's lot, but could not see the persons operating either vehicle.<sup>19</sup>; **and 5)** On January 29, 2004, following intercepts between ROSALES and ORTIZ (781 913-3671) in which ROSALES agreed to accompany ORTIZ to the MA RMV in Watertown, MA and assist ORTIZ (and ORTIZ brother) obtain a false driver's licenses (ROSALES' contact confirmed that person who "takes the picture" was working), TFA Kevin McDonough initiated surveillance at the RMV in Watertown, MA. At approximately 4:45 p.m., McDonough observed both ROSALES and ORTIZ standing inside the hallway area of the Watertown RMV. At different times that McDonough was in the RMV, he saw both men talking on their respective cellular telephones.<sup>20</sup>

**15) Phillip ASARO, a/k/a Phil**

20. Agents believe that Philip ASARO is the American male who has been referred to or addressed by MADERA and others as "Phil" or "Philly" during the authorized Title III intercepts over cellular telephones utilized by MADERA (target telephone # 11 between August 1, 2003 and February 26 , 2004, for the following reasons: **1)** During intercepts over target telephone #

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<sup>19</sup> As part of my preliminary investigation and before the Title III intercepts commenced, I had obtained a MA RMV photograph of Gerardo Vasseur ORTIZ after discovering that one of several telephones suspected of being used by targets of this organization was subscribed to a Gerard Vasseur ORTIZ.

<sup>20</sup> At 4:59 p.m., monitors intercepted ROSALES telling ORTIZ to go the car and that they would obtain licenses the "tomorrow" because "the situation is kind of strange."

11 (MADERA's phone), Phil ASARO contacted MADERA multiple times from 978 996-4009, a pre-paid facilities without subscriber information, about purchasing quantities of cocaine and/or delivering money to MADERA (or Christian GERMOSSEN) in payment for drugs; **2)** During several intercepts, MADERA addressed ASARO as "Phil"; **3)** from intercepts between ASARO and MADERA in early November 2003 over target telephone # 11, agents learned that: **(a)** ASARO lives at 56 Hurd Street, Malden, MA, and, later, was surveilled coming and going from that address; **(b)** ASARO owned a relatively new "Bobcat" mini bulldozer; the "Bobcat" was later observed parked at 56 Hurd Street; **(c)** ASARO operated a grey Chevrolet Avalanche (MA Reg. K40456, registered to Patriot Paving & Construction, 77 Alexander Road, Billerica, MA), confirmed by surveillance on several occasions <sup>21</sup>; and **(d)** ASARO worked as a road paver; **4)** ASARO's MA Driver's License indicates that ASARO (DOB 8/22/73; MA DL #/SSN 026-64-5581) residence is 238 School

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<sup>21</sup> At approximately 10:00 a.m. on November 13, 2003, SA Mastrocola observed a white male, believed to be ASARO, exit 56 Hurd Street, Malden, MA, enter a black Chevrolet Avalanche (MA Reg. K40456), and drive in the direction of Broadway in Malden. While following the black Avalanche, SA Mastrocola dialed 978 996-4009 (at the time, ASARO's suspected telephone number). After three rings, an english speaking male answered the telephone, and at that moment, Mastrocola observed the white male driving the black Avalanche put his cellular telephone to his right ear. When Mastrocola remarked, "Kevin, what's up dude," a male voice replied, "you have the wrong number." Mastrocola answered "sorry," and hung up, whereupon the driver of the Avalanche removed the telephone from his ear.

Street, Somerville, MA; ASARO's Bureau of Probation report indicates that ASARO's address is 238 School Street, Somerville, MA -- the current address of Maria Centamore, ASARO's mother; 5) On November 20, 2003, agents observed a white male arrive at the Town Line Ten Pin Bowling Alley in Malden, MA operating a grey Chevrolet Avalanche (MA Reg. K40456). As this person exited his vehicle, agents confirmed that this person was Phil ASARO, based a comparison of the MA RMV driver's license photograph of "Philip ASARO." Surveillance agents then dialed ASARO's telephone number -- 978 996-4009. While the telephone was ringing, agents observed ASARO pull a cellular telephone from his right side, put the telephone to his ear, and speak into it. At the same time, TFA McDonough spoke with ASARO and said that he had dialed the "wrong number." When the call terminated, ASARO removed the telephone from his ear. Agents then observed ASARO remove bowling equipment from the rear of the grey Avalanche and walk into the Town Line bowling alley. Agents followed ASARO to lanes 17 and 18 inside the Town Line. Over the next several minutes, whenever it was ASARO's turn to bowl, the name "Phil ASARO" appeared on the video monitor screen over Lane 18;

**16) Silvestre LIZARDI, a/k/a Silvestre**

21. Agents believe that Silvestre LIZARDI is the Hispanic male who has been referred to or addressed by ROSALES and others as "Silvestre" during the authorized Title III intercepts over

cellular telephones utilized by ROSALES (target telephone # 6 and target telephone # 15) between August 1, 2003 and February 26 , 2004, for the following reasons: **1)** During intercepts over target telephone # 6 and target telephone # 15 (ROSALES' facilities), LIZARDI contacted ROSALES multiple times from 978 479-2425, a number subscribed to Citywide Auto Glass, 92 Newbury Street, Peabody, MA, and 781 244-3522 about purchasing quantities of cocaine and/or delivering money to ROSALES in payment for drugs; **2)** Silvestre LIZARDI is employed by Citywide Auto Glass, 92 Newbury Street, Peabody, MA; **3)** On November 5, 2003, following intercepts between ROSALES and LIZARDI that day (as well as on November 4, 2003) about the purchase and sale of a kilogram of cocaine, GS Brady dialed 978 479-2425 - the telephone number from which monitors had been intercepting conversations between ROSALES and LIZARDI - at the same time GS Brady observed an Hispanic male wearing a black jacket (believed to be LIZARDI) sitting alone in a white van parked on Essex Street in Lynn MA. The moment the call was answered, GS Brady observed LIZARDI bring a cellular telephone to his ear using his left hand and say the word "hello." (GS Brady also heard the word "hello" over his cellular telephone.) GS Brady quickly ended the call <sup>22</sup>; **4)**

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<sup>22</sup> Approximately 7 to 10 minutes before GS Brady called LIZARDI's at 978 479-2425 to identify him, monitors intercepted LIZARDI speaking to ROSALES from 978 479-2425 and complaining to ROSALES about the quality of the cocaine that LIZARDI had just obtained from ROSALES. Likewise, earlier in the day, ROSALES

Identification of LIZARDI was confirmed a short time later when Lynn Police Officer Morely stopped the white van containing LIZARDI approximately 12 minutes after it had departed Essex Street. Officer Morely obtained a MA Driver's License from LIZARDI indicating that he was Silvestre LIZARDI, 27 Warren Street, Newburyport, MA (MA Driver's License No. 025843844; DOB 12/3/75).

**17) Robert RUSCIO, a/k/a "Bob"**

22. Agents believe that Robert RUSCIO, a/k/a "Bob" is the english speaking male who was referred to or addressed by others as "Bob" during the authorized Title III intercepts over cellular telephones utilized by ROSALES between August 1, 2003 and February 26, 2004, and is the owner of Bob's Carburetor/Bob's Auto Sales, 62 Jefferson Street, Salem, MA for the following reasons: **1)** RUSCIO was intercepted numerous times during the Title III intercept speaking with ROSALES about purchasing cocaine over target telephone # 6 and target telephone # 15 from four (4) different facilities: (978) 733-1441; (978) 744-1442; (978) 744-1783; and 978 535-4589, facilities subscribed to either

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told LIZARDI to meet him at ROSALES' house on 80 Sagamore Street where they could do the deal. At approximately 11:25 a.m. - 7 to 10 minutes before GS Brady called LIZARDI - surveillance observed ROSALES parked in his grey Mercury Sable wagon in front of 80 Sagamore Street and talking on his telephone. At roughly the same time, GS Brady observed LIZARDI also speaking on his cellular telephone (perhaps to ROSALES) sitting in the white van that, at the time, was parked just around the corner from 80 Sagamore street and where ROSALES was.

Bob's Carburetor ATTN: Robert RUSCIO, 60 Jefferson Avenue, Salem, MA; Bob's Auto Sales, 62 Jefferson Avenue, Salem, MA; or Robert RUSCIO, 286 Newbury Street, Peabody, MA;<sup>23</sup> **2)** During numerous drug related conversations with ROSALES, RUSCIO commonly identified himself to ROSALES as "Bob"; **3)** In a November 13, 2003 intercept over target telephone # 11 between SACAIDA and his spouse, Sagrario Godinez, SACAIDA assigned Godinez various tasks to assess/improve the finances of the organization. "You can start making all the changes that we've agreed on," declared SACAIDA. "Talk to the fucking old guy right away, tell him that I need my money (for drugs)...and check, check how much Bob owes us." (referring, I believe, to Robert RUSCIO, a customer of the SACAIDA/MARTINEZ drug organization); **4)** MA Driver's Licence information for Robert RUSCIO provides: DOB - 7.15.51, address - 286 Newbury Street, Peabody, MA, as well as a 6.7.00 photograph of him; **5)** after viewing the MA driver's License photograph for Robert RUSCIO, surveillance observed Robert RUSCIO coming and going from Bob's Carburetor/Bob's Auto Sales, 62 Jefferson Street, Lynn, MA on numerous occasions since August 2003.

**18) Giovanni AVILA, a/k/a Giovanni, a/k/a the Painter"**

23. Agents believe that Giovanni AVILA, is the Hispanic

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<sup>23</sup> Subscriber information for 978 535-4589 is the same as the residential address of the driver's license for Robert RUSCIO.

male who was referred to or addressed by others as the "painter" or "Giovanni" during the authorized Title III intercepts over cellular telephones utilized by MARTINEZ (target telephone # 3, target telephone # 9) and ROSALES (target telephone # 6) between August 1, 2003 and February 26, 2004, and is the owner and operator of "Giovanni's BMW Auto Body", a automobile repair and paint shop located at 892 Washington Street, Lynn, MA for the following reasons: **1)** in several calls between MARTINEZ, ROSALES, and AVILA leading up to delivery of a kilogram of cocaine to AVILA's Lynn auto body shop on September 13, 2003: **(a)** AVILA left a voice message with MARTINEZ (over target telephone # 3) saying that "Giovanni" called; **(b)** MARTINEZ directed ROSALES to combine drug money that he collected from *el Bueno* (the good) and *el Pinto* (the painter) before giving it to him; **and (c)** following MARTINEZ' directive to ROSALES to bring drugs and "coffee" to AVILA the morning of September 13, 2003, surveillance followed ROSALES from his house at 80 Sagamore Street, to Dunkin Donuts, and then to "Giovanni's BMW Auto Body," 892 Washington Street, Lynn, MA; **2)** Lynn property records indicate that "Giovanni's BMW Auto Body", 289 Washington Street, Lynn, MA is currently owned, jointly, by DANIELA REALTY TRUST and GIOVANNI AVILA TRUST and was purchased for \$244,000 on December 23, 1993; **3)** MA RMV driver's licence information for "Giovanni Avila" indicates: DOB -

4/25/62; SSN 051381042 <sup>24</sup>; Height - 5'6"; 892 Washington Street, Apt 1, Lynn, MA (same address as Giovanni's BMW Auto Body); **4)** On February 11, 2004, a cooperating source (CS3) working with law enforcement listened to the August 12, 2003 intercept over target telephone # 3 between MARTINEZ and AVILA and identified the 2 Hispanic males voices as those of Valentin MARTINEZ and "Giovanni" - CS3 knew AVILA by his first name, "Giovanni." CS3 also related that: **(a)** he knew that "Giovanni" was the owner of Giovanni's Auto in Lynn; **(b)** prior to CS3's arrest in 2003, CS3 supplied Giovanni with multi kilogram quantities of cocaine that CS3 delivered to Giovanni's Auto Body; **and (c)** AVILA stored his money in the closet area of his body shop office.<sup>25</sup>

**19) Gilberto ZAYAS, a/k/a Tony**

24. Agents believe that Gilberto Zayas is the Hispanic male who was referred to or addressed by others as "Tony" during the authorized Title III intercepts over cellular telephones utilized by MARTINEZ (target telephone # 3, target telephone # 9) ROSALES (target telephone # 6), and MADERA (target telephone # 11)

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<sup>24</sup> Credit records for Giovanni Avila reflect a different SSN - #584-37-8862

<sup>25</sup> CS3 was arrested for possession with intent to distribute cocaine in 2003 and is also attempting to obtain a sentence reduction as a result of CS3's cooperation. CS3 is currently incarcerated. CS3 explained that, prior to CS3's arrest, CS3 was a multi kilogram cocaine customer of MADERA for over a year.



between August 1, 2003 and February 26, 2004 for the following reasons: **1)** ZAYAS was intercepted numerous times over target telephones speaking with MARTINEZ, ROSALES, and MADERA from two (3) different facilities about performing drug-related errands on behalf of the organization and purchasing cocaine: **(a)** (781) 632-2960; **and (b)** (207) 409-0721. 781 632-2960 is subscribed to Elikery B. Saillant, 86 Neptune Street, Apt. #1, Lynn, MA; the other number has no subscriber information; **2)** On September 18, 2003, MARTINEZ called ROSALES to ask him if he had \$250 in cash to give to "...el Negro Duraza...to that big belly, Tony (referring to ZAYAS)"...because he is going to come down here (Florida) now." MARTINEZ also asked ROSALES to "give Tony the (license) plate as well...we're going to need to pull the trailer." (A possible reference to the transport of drugs from Florida back to Massachusetts by trailer); **4)** On September 19, 2003 at 8:34 a.m., ZAYAS was stopped for speeding by North Carolina State Police driving the same red Mercury Mountaineer that belonged to GARCIA - MA Reg. CI344W, Rogelio GARCIA, 63 Durso Avenue, Malden, MA. During the stop, the Trooper T. J. Bailer discovered a concealed "hide" in the rear cargo floor of the vehicle operated by an hydraulic piston that was operated by the vehicle's electrical system. A narcotics dog brought to the scene examined the vehicle and "alerted" on the rear cargo floorboard area confirming the past presence of drugs. Based on

the discovery of the "hide", GARCIA's vehicle was seized by North Carolina State Police. ZAYAS was not arrested but driven to a nearby commercial bus depot and released; **5)** ZAYAS produced a MA Driver's License: Gilberto C. ZAYAS, 7 Cypress Place, Lynn, MA; DOB 8.5.73; Lic. No. 583415419. However, ZAYAS gave Trooper Bailey the home address of 86 Neptune Street, Lynn, MA - the same address of the named subscriber (Saillant) to the cellular phone that ZAYAS used on September 19-20, 2003 and on other dates during this investigation; **6)** In response to questions from Trooper Bailey, ZAYAS made the following statements: **(a)** the owner of the vehicle (GARCIA) was a "friend of his" and that "we do work together"; **(b)** ZAYAS was going "to Florida on vacation"; **(c)** when asked if he was going to Miami, ZAYA replied, "oh no, not Miami, I am going to Kissimmee (near Orlando); **(d)** ZAYAS intended to stay "two days"; **7)** On September 19, 2004, after police seizure of the red Mercury Mountaineer (with the hide) that ZAYAS had been driving, ZAYAS called MARTINEZ from 781 632-2960 at 6:03 p.m. to say that he was about to leave for Orlando, that he would arrive "to the (bus) terminal" at 5:00 a.m., and for MARTINEZ to keep his phone on so that ZAYAS could be picked up; **8)** The next day, September 20, 2003, between 6:32 a.m. and 7:51 a.m., ZAYAS called MARTINEZ at target telephone # 9 twelve (12) times trying to reach MARTINEZ. Then between 8:02 a.m. and 8:27 a.m., ZAYAS spoke with MARTINEZ four (4) times about

directions to the Orlando, FL bus station. MARTINEZ: "what streets intersect?" MARTINEZ: "downtown" station? ZAYAS: "back of the airport...John Young Place and PY parkway." ZAYAS: "driving your truck?" MARTINEZ: "yes,...only three miles away." MARTINEZ: "building number?" ZAYAS: "500."

**20) Luis DEJESUS, a/k/a Edgardo**

25. Agents believe that Luis DEJESUS is the Hispanic male who was referred to or addressed by others as "Edgardo" during the authorized Title III intercepts over cellular telephones utilized by MARTINEZ (target telephone # 3, target telephone # 9) and ROSALES (target telephone # 6) between August 1, 2003 and February 26, 2004 for the following reasons: **1)** DEJESUS was intercepted numerous times over target telephones speaking with MARTINEZ and ROSALES from different facilities about purchasing cocaine: **(a)** (781) 771-6768 (subscriber: Luis E. DEJESUS, 106 Marianna Street, Apt. 1, Lynn, MA); **(b)** (781) 632-0942 (subscriber: Luis E. DEJESUS, 106 Marianna Street, Apt. 3, Lynn, MA); **(c)** (781) 913-6792; **(d)** (781) 244-2043; **and (e)** (781) 913-2224 (no subscriber information relative to the remaining telephones; **2)** Luis E. DEJESUS was arrested by the Lynn Police Department on July 11, 2003 for possessing fraudulent motor vehicle documents. At his booking, DEJESUS provided a home address of 107 Marianna Street, Apt. #1, Lynn, MA. A booking photograph of DEJESUS was secured the same day and was

distributed to agents in this investigation; **3)** On August 15, 2003 at approximately 11:38 a.m., DEJESUS called MARTINEZ from 781 913-6792 and said that he wanted MARTINEZ to meet him at "a barber shop...on Central...right by the police station (in Lynn)." MARTINEZ replied that he would go there and "be parked in front of Vargas." (Vargas is a store adjacent to the barber shop.) At 12:00 p.m., surveillance observed an Hispanic male (wearing a yellow shirt) exit a yellow/gold Cadillac (MA reg. US41BD; Joel Agostini, 3 Virginia Ave., Beverly, MA<sup>26</sup>) that was parked on Central Street across from the barber shop and walk into the barber shop. (The yellow/gold Cadillac drive off.) At 12:11 p.m., the same Hispanic male accompanied by a boy exited the barber shop on Central Street, enter a maroon Buick LeSabre (MA Reg. 99KT04; Diogenes Medina, 2 Elmore Street, Apt. #1, Lynn, MA), and drive off. Surveillance identified the Hispanic male who exited the barber shop with his son that day as Luis DEJESUS after examining the Lynn Police booking photograph of DEJESUS taken on July 11, 2003; **4)** Sgt. Dan Fee of the Lynn Police Department knows DEJESUS from prior Lynn investigations and understands that DEJESUS resides at 106 Marianna Street, not 107 Marianna Street in Lynn, MA. Sgt. Fee reports further that he has seen a maroon Buick LeSabre (MA Reg. 99KT04) parked in the

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<sup>26</sup> Surveillance had observed MARTINEZ operating the same yellow/gold Cadillac in and around Lynn, MA prior to his departure for Mexico in late September 2003.

drive way of 106 Marianna Street in Lynn on numerous occasions during this investigation.<sup>27</sup>

**C. TARGET LOCATIONS**

**1) 46 Wyman Street, First Floor, Lynn, MA**

**Description of premises (Attachment A)**

26. This is a two story/two family, wood structure, white in color with white shingle exterior. (The first floor houses one apartment; the second floor houses the other apartment.) The numerals "46" in gold numbers are clearly visible to the left of the front door. There is a white picket fence along the front of the residence. To the left of the dwelling is a driveway that leads to the rear of the house. The dwelling has two (2) entrances; the front entrance on Wyman Street leads to the first floor apartment and stairs to the second floor apartment; the rear entrance to the residence is reached by walking up the short driveway; this entrance also permits access to both apartments. (A photograph of 46 Wyman Street, Lynn, MA is included as **Attachment B.**)

**Links to Target Subjects**

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<sup>27</sup> On February 26, 2004 at approximately 3:30 p.m., Sgt. Fee went to 106 Marianna Street in Lynn, MA and observed a maroon Buick LeSabre sedan (MA Reg. 82NZ39) parked in the side driveway of 106 Marianna Street. (The numerals "106" are visible on the front of the dwelling to the left of the front door.) In addition, Sgt. Fee confirmed that the maroon Buick LeSabre is registered to Luis DeJESUS, 106 Marianna Street, Apt. #1, Lynn, MA.

27. I believe that 46 Wyman Street, First Floor, in Lynn, MA is utilized by ROSALES as a "stash" location for illegal drugs, U.S. currency, and other incriminating evidence concerning the drug distribution organization operated by SACAIDA, MARTINEZ, and MADERA, and for which he (ROSALES) and others - GARCIA, GERMOSEN, CHON, and Ricardo MARTINEZ - all work based upon the following facts: **1)** according to the Essex County Registry of Deeds (Book 17701; Page 241), "Ruth Saldivar, individually of 46 Wyman Street, Lynn, MA" purchased this residence from Robert Rogers for \$242,900 on September 25, 2001, but does not reside there. (Ruth Saldivar is the spouse of Valentin MARTINEZ); **2)** according to the Essex County Registry of Deeds (Book 17701; Page 243), Ruth Saldivar is the signatory for a \$194,300 mortgage obtained from Citizen's Mortgage Corporation on September 28, 2001; **3)** according to the Essex County Registry of Deeds (Book 17701; Page 278), Ruth Saldivar executed an "Assignment of Rents" rider on September 28, 2001 assigning "all rents and revenues of the property" to the Lender, Citizens Mortgage Corporation; **4)** according to the utility, "National Grid," the listed subscriber for electrical service at 46 Wyman Street, Lynn, MA is Jose Abreu (a ROSALES associate and registered owner of the GREENBERG Lincoln Town Car that ROSALES uses frequently); **5)** agents have conducted surveillance of 46 Wyman Street since the Spring of 2003 and have observed ROSALES, in particular, coming and going

from this location numerous times as well as meeting with associates and co-conspirators often *after* ROSALES had been intercepted over target telephone # 2, target telephone # 6, or target telephone # 15 making arrangements with GERMOSEN, LIZARDI, COLON RIVERA, and numerous other persons to sell/distribute narcotics to them at 46 Wyman Street; **6)** vehicles either registered to or operated by ROSALES or his alias, "Joel Agostini" (grey Mercury Sable, MA Reg US 8280), GERMOSEN (black Ford Expedition, MA Reg. CI 9820), COLON RIVERA (burgundy Cadillac, NH Reg. 1394249), and GARCIA (red Mercury Mountaineer, MA Reg. CI 344W) have been observed at 46 Wyman Street and parked either in front of the residence on Wyman Street, in the driveway to the left of dwelling, or in the back of the dwelling; **7)** on several occasions during intercepts over ROSALES' facilities (target telephone # 2, target telephone # 6 , or target telephone # 15), ROSALES directed his customers/ associates to meet him at the "white house" or the "white one" - a coded or short-hand reference to 46 Wyman Street because the exterior of 46 Wyman Street is white aluminum siding. Surveillances in conjunction with intercepts of ROSALES planning to meet persons at the "white house" or the "white one" confirmed either ROSALES and/or one of his vehicles at 46 Wyman Street<sup>28</sup>; **and 8)** surveillance has

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<sup>28</sup> On January 30, 2004, COLON RIVERA called ROSALES at 11:17 a.m. to place an order for drugs and that he needed to see ROSALES at "the white house" - referring to 46 Wyman Street.

observed ROSALES, GERMOSSEN, and others coming and going from 46 Wyman Street and most recently on February 12, 2004 when video surveillance of 46 Wyman Street confirmed ROSALES visiting this address.

2) 115 Alley Street, Apt. #1, Lynn, MA

**Description of premises (Attachment A)**

28. This a three story/three family, wood structure - one apartment per floor. The first level of the house is shingled and painted red. The upper two levels of the building have white aluminum siding. The numerals "115" are clearly displayed on the top left of the white door frame at the right front entrance (1-1-5 in descending order). Upon entering the front door to the dwelling from the street, there is a tan door immediately to the left as you cross the thresh hold (behind the front door). Nothing is written on this door, however, this is the door to Apt. #1. Adjacent to the door to Apt. #1 is a mailbox bearing the names *Angel Soto, Ramos, Cruz, Velez, Rivera, ROSALES, Joel Agusti, and Pelacz*. (A photograph of 115 Alley Street, Lynn, MA is included as **Attachment B.**) \*

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ROSALES told COLON RIVERA that the deal could not be done at the "white house" because new people were living there. COLON RIVERA then asked ROSALES if the deal could be done at the "red one" - referring to 115 Alley Street. At first, ROSALES said no, but then directed COLON RIVERA to "wait for him at the red one at 12 o'clock." A short time later, surveillance agents in the vicinity of 115 Alley Street observed ROSALES and COLON RIVERA meet in the vicinity of 115 Alley Street to, apparently, complete their deal.



**Link to target subjects**

29. I believe that 115 Alley Street, Apt #1 in Lynn, MA is a second location utilized by ROSALES as a "stash" location for illegal drugs, U.S. currency, and other incriminating evidence concerning the drug distribution organization operated by SACAIDA, MARTINEZ, and MADERA, and for which he (ROSALES) and others - GARCIA, GERMOSEN, CHON, and Ricardo MARTINEZ - all work based upon the following facts: **1)** agents have conducted surveillance of 115 Alley Street since the Summer of 2003 and the initiation of the Title III intercept and, since then, have observed ROSALES, in particular, coming and going from this location numerous times and meeting with associates and co-conspirators, often times *after* ROSALES had been intercepted over target telephone # 2, target telephone # 6, or target telephone # 15 making arrangements with LIZARDI, COLON RIVERA, ACOSTA and other persons to sell/distribute narcotics to them at 115 Alley Street; **2)** according to the utility, "National Grid," the listed subscriber for electrical service at 115 Alley Street, #1 Lynn, MA is "Valentin Rivera" (the same alias and address that Valentin MARTINEZ used to obtain one of his MA Driver's Licenses); **3)** vehicles either registered to or operated by ROSALES, or his alias "Joel Agostini" (grey Mercury Sable, MA Reg US 8280), GERMOSEN (black Ford Expedition, MA Reg. CI 9820), COLON RIVERA (burgundy Cadillac, NH Reg. 1394249), and ACOSTA (blue Plymouth